

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KOLYA K. WILLIS,

Plaintiff,

v.

Case No. 23-cv-764-pp

ZACHARY J. SZALACINSKI
and JOSHUA J. HERAMANN,

Defendants.

**ORDER DISMISSING CASE WITHOUT PREJUDICE
UNDER FED. R. CIV. P. 41(a)(2)**

Plaintiff Kolya K. Willis is proceeding on Fourth Amendment claims against two officers from the Milwaukee Police Department. Dkt. No. 9. On July 25, 2024, the court received a letter from the plaintiff in which he says that because he does “not have a lawyer or have any help to find one,” he “would like to stop [his] lawsuit and drop this lawsuit.” Dkt. No. 20.

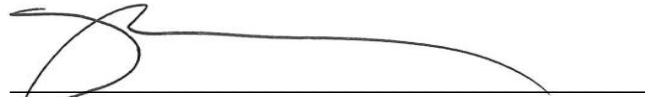
Under Federal Rule of Civil Procedure 41, the plaintiff may voluntarily dismiss a case with or without a court order, depending on the circumstances and the posture of the case when he requests dismissal. Fed. R. Civ. P. 41(a). Because the defendants have answered the complaint and have not stipulated to dismissal, the plaintiff needs a court order to dismiss this lawsuit. Fed. R. Civ. P. 41(a)(1)(A). In these circumstances, Rule 41(a)(2) governs; that Rule states that “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). The rule also states that the dismissal is without prejudice. Id.

The court **FINDS** that dismissal without prejudice is proper and will grant the plaintiff's request to dismiss this lawsuit. Dkt. No. 20.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE**. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 26th day of July, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge